

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zev Carter	Team: Squad #3	CCRB Case #: 202004204	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 9:15 PM	Location of Incident: In front of 66 Penn Street	Precinct: 90	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 06/12/2020 11:34 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 06/12/2020 11:34 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. DI Timothy Skretch	00000	926130	079 PCT
3. LT Henry Daverin	00000	945645	079 PCT
4. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Aaron Husbands	04274	965752	079 PCT
2. POM Ernest Joseph	17085	957718	073 PCT
3. SGT Akil Guy	03541	954274	079 PCT
4. DC Charles Mcevoy	00000	895710	CD OFF
5. LT Michael Butler	00000	948725	CD OFF
6. CCA Jeffrey Maddrey	00000	899501	PBBN
7. DI William Glynn	00000	932718	081 PCT
8. POM Kyle Calenda	05856	963426	PBBN
9. POM Michael Lisante	02021	954070	PBBN
10. DTS Brian Greig	03374	947048	CD OFF

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b)	
B. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
C. An officer	Force: An officer used physical force against § 87(2)(b)	
D. An officer	Force: An officer struck § 87(2)(b) with a baton.	
E. An officer	Discourtesy: An officer acted discourteously toward § 87(2)(b)	
F. An officer	Abuse: An officer damaged § 87(2)(b)'s property.	
G. An officer	Abuse: An officer seized § 87(2)(b)'s property.	
H. Officers	Abuse: Officers seized § 87(2)(b)'s property.	
§ 87(4-b), § 87(2)(g)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On June 12, 2020, § 87(2)(b) filed this complaint with the CCRB over the phone.

On June 4, 2020, at approximately 7:30 p.m., § 87(2)(b) and 1,000 to 2,000 others were in a protest march against police brutality that started in McCarren Park in Brooklyn. The protestors marched in the Williamsburg neighborhood of Brooklyn until they reached the intersection of Penn Street and Wythe Avenue at approximately 9:15 p.m. Assistant Chief Jeffrey Maddrey, Police Officer Michael Lisante, and Police Officer Kyle Calenda of Patrol Borough Brooklyn North, Deputy Chief Charles McEvoy and Lieutenant Michael Butler of the Office of the Chief of Department, Deputy Inspector William Glynn of the 81st Precinct, Deputy Inspector Timothy Skretch, Lieutenant Henry Daverin, Sergeant Akil Guy, and Police Officer Aaron Husbands of the 79th Precinct, Police Officer Ernest Joseph of the 73rd Precinct, and dozens of other officers blocked the group's path and started to arrest protestors. In front of 66 Penn Street in Brooklyn, an officer allegedly pushed § 87(2)(b) to the ground (**Allegation A: Force**, § 87(2)(g)). An officer allegedly told § 87(2)(b) "Get the fuck on the ground. Get the fuck on the ground. Shut the fuck up." (**Allegation B: Discourtesy**, § 87(2)(g)). An officer allegedly punched § 87(2)(b) in the temple (**Allegation C: Force**, § 87(2)(g)). An officer allegedly jabbed § 87(2)(b)'s abdomen with a baton (**Allegation D: Force**, § 87(2)(g)). An officer allegedly crushed § 87(2)(b)'s eyeglasses under his boot (**Allegation E: Abuse of Authority**, § 87(2)(g)). An officer allegedly seized § 87(2)(b)'s cell phone (**Allegation G: Abuse of Authority**, § 87(2)(g)). Officer allegedly seized § 87(2)(b)'s and other civilians' bicycles (**Allegation H: Abuse of Authority**, § 87(2)(g)). § 87(4-b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) and 25 others were arrested. At a Mass-Arrest Processing Center in Brooklyn Central Booking, PO Husbands issued § 87(2)(b) criminal court summons #§ 87(2)(b), § 87(2)(b) for disobeying curfew. § 87(2)(b) sustained a laceration on his forehead; bruises on his left arm, left shoulder, and front of his torso; swelling around his left temple; redness around his wrists; numbness and tingling in his hands; and abrasions on his knee, arms, nose, forehead, and back. He sought medical attention from a telemedicine provider.

This case contains cell phone video footage from § 87(2)(b) social media, cell phone footage from CCRB case 202004021, and from a building near the incident location from CCRB case 202003976 (**01-09 Board Review**). The investigation received several irrelevant body-worn camera (BWC) video files that show officers processing other protestors' arrests in a stationhouse (**37 Board Review**).

Assistant Chief Maddrey has since been promoted to the Chief of Community Affairs. Deputy Chief McEvoy is on terminal leave from the NYPD. Lieutenant Daverin has been reassigned to the 90th Precinct. PO Listante has been reassigned to Intelligence Bureau Criminal Intelligence Section. PO Calenda has been reassigned to the Community Affairs Bureau.

Findings and Recommendations

Allegation (A) Force: An officer used physical force against § 87(2)(b)

Allegation (B) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (C) Force: An officer used physical force against § 87(2)(b)

Allegation (D) Force: An officer struck § 87(2)(b) with a baton.

Allegation (E) Abuse of Authority: An officer damaged § 87(2)(b)'s property.

Allegation (F) Discourtesy: An officer acted discourteously toward § 87(2)(b)

Allegation (G) Abuse of Authority: An officer seized § 87(2)(b)'s property.

Allegation (H) Abuse of Authority: Officers seized § 87(2)(b)'s property.

The following facts are undisputed: On June 4, 2020, at between approximately 7:30 p.m. and 9:30 p.m., § 87(2)(b) was marching with a large group of protestors that walked from McCarren Park in Brooklyn to the intersection of Penn Street and Wythe Avenue in Brooklyn. The march was against police brutality. A curfew was in effect on the night of the incident at 8:00 p.m. Officers arrested multiple protestors in the vicinity of Penn Street and Wythe Avenue. PO Husbands was assigned as § 87(2)(b)'s "arresting officer" at Brooklyn Central Booking.

In his CCRB interview, § 87(2)(b) stated that on June 4, 2020, at approximately 7:30 p.m., he brought his bicycle to McCarren Park in Brooklyn and gathered with multiple other individuals. **(10 Board Review)**. When the group of protestors reached the intersection of Penn Street and Wythe Avenue, their path was blocked by 100-200 officers standing in a line. § 87(2)(b) stood in front of 66 Penn Street with 200-300 tightly packed protestors standing between him and the officers. § 87(2)(b) started to record the incident with his cell phone. § 87(2)(b) and the other protestors chanted and stood still for approximately five minutes. The protestors then turned around and walked on Penn Street back toward Bedford Avenue. § 87(2)(b) never heard any announcements or orders coming from the officers.

§ 87(2)(b) stated that as he was walking away, he turned back toward Wythe Avenue and saw people moving quickly behind him **(10 Board Review)**. Then, a white male officer wearing a white shirt pushed him backward. A second white male officer in a white uniform pushed him a second time and said, "Get the fuck on the ground. Get the fuck on the ground. Shut the fuck up. You wanted smoke, you got it." § 87(2)(b) did not understand the second officer's reference to smoke and could not see either officer's face. § 87(2)(b) was not able to describe these officers in greater detail. § 87(2)(b) tripped and fell to the ground with his bicycle. § 87(2)(b) was surrounded by two to four officers. § 87(2)(b) felt punches on his head and abdomen and jabs from a baton on his abdomen. § 87(2)(b) only saw the hands of the officers who were using force against him and they all looked white and male. § 87(2)(b) started to yell "Unprovoked!" and, "I am being beaten by the NYPD. I am being punched. I am being hit with batons." An unidentified officer yelled, "Shut the fuck up!" Officers turned § 87(2)(b) onto his stomach and handcuffed him. § 87(2)(b) did not see the officers. Then, § 87(2)(b)'s eyeglasses fell off. § 87(2)(b) uses his glasses for distance and could still see what was going on after they fell off.

§ 87(2)(b) stated that after he was handcuffed, he was still holding his cell phone **(10 Board Review)**. § 87(2)(b) heard an unidentified officer say, "Get his phone. Get his fucking phone." An officer removed the phone from his hand. § 87(2)(b) could not see the officer who did this. One of the officers, whose face § 87(2)(b) did not see, picked the eyeglasses off the ground and asked § 87(2)(b) whether they belonged to him. § 87(2)(b) confirmed that they were his. The officer put the glasses underneath his boot and crushed them. § 87(2)(b) was taken away from the scene of his arrest without his bicycle, glasses, or cell phone.

§ 87(2)(b) stated that officers transported him and other arrestees from the vicinity of Penn Street and Wythe Avenue to Brooklyn Central Booking **(10 Board Review)**. § 87(2)(b) was never given a voucher for any of his property. § 87(2)(b) was released later that night with a summons for disobeying curfew. He never learned the identity of the officers who used force against him. § 87(2)(b) arrived home at approximately 3:00 a.m. on June 5, 2020. On June 5, 6, and 7, 2020, § 87(2)(b)

§ 87(2)(b) took photos of his injuries with an old phone. His injuries included: a laceration in the middle of his forehead; swelling and soreness above his left temple; bruising on his abdomen and both shoulders; abrasions all the way down the length of his right knee and on both of his elbows; numbness in his left hand and tingling in his right hand. He attributed the swelling, soreness, cuts, and bruises to the officers' punches and baton blows while he was on the ground; the scrapes to his fall after the officers pushed him; and the numbness and tingling to the tight zip ties. On June 6, 2020, § 87(2)(b) picked his phone up from a member of the Shomrim (a Jewish volunteer public safety group). The phone, which a Shomrim member found underneath a vehicle, was crushed and almost inoperable. § 87(2)(b) retrieved the video he recorded from the storage card on the phone. Between June 5 and 10, 2020, he called and visited the 90th Precinct, the Strategic Response Group, Brooklyn Central Booking, and the 79th Precinct to retrieve his bicycle, but was not successful. On June 7, 2020, § 87(2)(b) had a telemedicine appointment with a doctor to have his injuries documented.

The investigation located 12 potential witnesses from a collection of written testimony published by the New York State Office of the Attorney General (**38 Board Review**). The investigation was able to contact seven of these individuals, but none of them witnessed the events as § 87(2)(b) described them.

§ 87(2)(b)'s telemedicine document notes that he was diagnosed with "shoulder lesions" (**11 Board Review**). Photographs of § 87(2)(b)'s injuries show that he sustained a laceration on his forehead; bruises on his left arm, left shoulder, and front the front of his torso; swelling around his left temple; redness around his wrists; numbness and tingling in his hands; and abrasions on his knee, arms, nose, forehead, and back (**12-15 Board Review**).

In his CCRB interview, Deputy Inspector Glynn stated that at approximately 9:00 p.m. he was on routine patrol in the 81st Precinct when he was ordered by Patrol Borough Brooklyn North executive officers to respond to the 90th Precinct to monitor the protest group related to this case (**16 Board Review**). When Deputy Inspector Glynn arrived, he saw "several thousand" protestors on the streets and sidewalks. He exited his car and followed the protestors on foot, transmitting their location. Eventually, Deputy Inspector Glynn was at the intersection of Penn Street and Wythe Avenue with 80-100 officers and numerous protestors. Deputy Inspector Glynn could not identify any of the officers there other than Deputy Inspector Skretch. Deputy Inspector Glynn ordered officers to line up shoulder to shoulder at the intersection to ensure officer safety and control the disorder at the location. Deputy Inspector Glynn did not direct anyone to do anything else and had not decided on what his next action was going to be. For minutes, he stepped behind the line to grab officers and tell them to fall back into formation but was ultimately not able to organize the officers. Deputy Inspector Glynn physically assisted in the arrest of a violent individual – a white or Hispanic male who he could not describe any further – during the formation of the line. A group of officers independently broke from formation and walked down Penn Street. Deputy Inspector Glynn followed. As he walked, he saw protestors "fighting" with officers. Deputy Inspector Glynn knew from NYPD records that multiple summonses were issued and multiple people were arrested, but he did not recall being involved in any of these encounters.

Deputy Inspector Glynn denied pushing § 87(2)(b) backwards to the ground (**16 Board Review**). Deputy Inspector Glynn did not recall telling § 87(2)(b) "Get the fuck on the ground" or "Shut the fuck up." He denied punching § 87(2)(b) on the temple and did not recall jabbing or striking § 87(2)(b)'s abdomen with a baton. Deputy Inspector Glynn did not recall taking § 87(2)(b)'s phone out of his hands. Deputy Inspector Glynn did not recall crushing § 87(2)(b)'s eyeglasses with his foot. Deputy Inspector Glynn did not recall whether he saw another officer seize bicycles.

In his CCRB interview, PO Joseph stated that he was in a police van observing the group of protestors when AC McEvoy ordered officers to exit their vehicles at Penn Street and Wythe Avenue (**17 Board Review**). He and other officers blocked the intersection. Chief McEvoy ordered officers to arrest the protestors. PO Joseph arrested a protestor who was not § 87(2)(b). PO Joseph did not witness any other officers using force and could not tell what was going on around him because he was focused on arresting the other protestor.

In his CCRB interview, Deputy Inspector Skretch stated that at approximately 9:15 p.m., he and Lieutenant Daverin went to Penn Street and Wythe Avenue because it was not far from where they were working at the 79th Precinct stationhouse (**18 Board Review**). When Deputy Inspector Skretch arrived, he saw that DI Glynn, Deputy Chief McEvoy, and Lieutenant Butler were already there. He and Chief McEvoy ordered officers to form a line in the middle of the street with Lieutenant Butler and Lieutenant Daverin. Deputy Inspector Skretch waited in the line and then saw officer start to pass by him to make arrests. He walked approximately 15 feet down Penn Street and detained a white female for violating curfew while other officers continued further down the street. Deputy Inspector Skretch did not see any other officer arrest someone. Deputy Inspector Skretch and Assistant Chief Maddrey walked down Penn Street together. Deputy Inspector Skretch saw several detained prisoners and 5-10 unattended bicycles. Deputy Inspector Skretch knew that the bicycles would be stolen if they were left unattended on the street, so he used his radio to request that a van come to the location and collect the bicycles. He assumed that the responding van would be from the Mobile Field Force. He never saw officers collecting the bicycles and never found out what happened to them, whether they were vouchered, or where they were taken. He did not see any other articles of lost property at the location. Deputy Inspector Skretch did not use physical force or use an asp or baton against a protester during this incident. He did not say, “Get the fuck on the ground. Get the fuck on the ground. Shut the fuck up. You wanted smoke, you got it.” He did not confiscate or damage any protester’s cell phone or step on a protester’s glasses.

In his CCRB interview, Lieutenant Daverin stated that at approximately 9:15 p.m., he and Deputy Inspector Skretch went to the location and saw 15-20 other officers and hundreds of protestors (**19 Board Review**). A supervisor who Lieutenant Daverin could not identify ordered officers to line up. Lieutenant Daverin stood in front of the line of officers and faced the protestors. Lieutenant Daverin believed that a supervisor ordered the officers to disperse the protestors, because he saw that officers began to move from behind him toward the protestors to arrest them. Lieutenant Daverin helped another officer restrain a female protestor, the continued to walk on Penn Street by himself. He denied punching § 87(2)(b) using his baton, and saying “get the fuck on the ground,” “shut the fuck up,” or “get the fuck down.” Lieutenant Daverin did not take anybody’s cell phone out of their hand or damage a cell phone. He did not step on anybody’s eyeglasses. Lieutenant Daverin did not remember seeing any property left on Penn Street. He did not witness Deputy Inspector Skretch use his radio to order officers to collect bicycles or other property that had been left at the scene.

In his CCRB interview, PO Husbands stated that he and other officers from his command were at a mobilization point on Randall’s Island for a few hours before Sgt. Guy instructed to go to Penn Street and Wythe Avenue (**20 Board Review**). When PO Husbands arrived at 9:25 p.m., he saw around 75 protestors at the location and many protestors on the street. Officers had already arrested around 30 people. PO Husbands brought an arrestee, who was not § 87(2)(b) to a prisoner bus, guarded the prisoner bus, and went to Brooklyn Central Booking. There, a 5’8” tall male Sergeant or Lieutenant of an unknown race with medium brown complexion from an unknown command assigned him as § 87(2)(b) and multiple others’ arresting officer. PO Husbands did not interact with § 87(2)(b) before this moment.

In his CCRB interview, Assistant Chief Maddrey stated that at approximately 8:45 p.m., he heard one or more “distress calls” on the radio on the night of the incident and drove to the Williamsburg neighborhood (**21 Board Review**). Assistant Chief Maddrey did not state who the distress calls were from. Near Rutledge Street, Assistant Chief Maddrey met with Deputy Inspector Skretch. He saw protestors running and asked Deputy Inspector Skretch what was going on. Deputy Inspector Skretch responded that there were people protesting and officers arresting them. Assistant Chief Maddrey told Deputy Inspector Skretch to regroup the officers and get them back in formation. Then, Assistant Chief Maddrey drove to Penn Street and Wythe Avenue. There, he saw 100-150 protestors and 40-50 officers in a “stand-off.” Assistant Chief Maddrey did not know which commands these officers were from. Assistant Chief Maddrey walked into the middle of the confrontation, told the officers to stand down and return to their posts, and told the protestors to go home. The protestors dispersed orderly. There were three or four other officers in white shirts on scene, and they were mostly lieutenants, but he did not recall what commands they were from. Chief Maddrey did not observe any officer use force against any civilian at Penn Street and Wythe Avenue. Assistant Chief Maddrey did not see any officer handcuff any civilian there. Assistant Chief Maddrey stated that protestors sustained any injuries at the intersection. Assistant Chief Maddrey did not hear any officer say “Get the fuck on the ground” or “Shut the fuck up” to any civilian. He did not witness any officer taking a cell phone out of a protestor’s hands or crush a pair of eyeglasses under their foot. Assistant Chief Maddrey did not witness Deputy Inspector Skretch call for any officers to collect bicycles and take them from the location.

In his CCRB interview, Deputy Chief McEvoy stated that at an unspecified time, he responded to Deputy Inspector Glynn’s request for help (**22 Board Review**). He followed the group’s movements for multiple blocks and the group stopped at Penn Street and Wythe Avenue. There were NYPD officers and vehicles in the group’s path, but he did not order this to happen. After waiting for officers to warn the protestors to disperse, he ordered officers in his immediate vicinity to arrest protestors for violating curfew. Deputy Chief McEvoy approached multiple individuals, placed his hand on their arms to detain them, and then instructed nearby officers to finalize the arrests. Deputy Chief McEvoy did this three to five times during this incident, but stated he did not actually place handcuffs on any individual during this incident or use any force beyond placing his hand on their arm. Deputy Chief McEvoy did not push § 87(2)(b) to the ground. Deputy Chief McEvoy denied telling § 87(2)(b) to “get the fuck on the ground” or “shut the fuck up.” He denied punching § 87(2)(b)’s head and jabbing him with a baton. Deputy Chief McEvoy did not tell another officer to “get § 87(2)(b)’s] fucking phone.” Deputy Chief McEvoy denied crushing § 87(2)(b)’s glasses under his boot. Finally, Deputy Chief McEvoy did not witness any other officer take these actions.

In his CCRB interview, Lieutenant Butler stated that at an unspecified time, he and Deputy Chief McEvoy responded to the location at the same time (**23 Board Review**). He and other officers formed a line while ordering protestors to leave the location and obey curfew. Lieutenant Butler waited at Penn Street and Wythe Avenue for “several minutes.” Once protestors started marching towards the line of officers at Penn Street and Wythe Avenue while screaming and throwing bottles, officers started to arrest them. Lieutenant Butler may have placed protestors under arrest, though he did not recall any specific incidents or any of the specific actions he took to help place any protestor under arrest. He also may have assisted in his normal supervisory capacity during this incident, such as assisting in lifting a handcuffed individual off of the ground, or helping to secure handcuffs on an arrestee, but he did not recall a specific instance when he did so. Lieutenant Butler did not recall whether he placed a hand on § 87(2)(b)’s right shoulder and push him to the ground. He did not recall punching an individual on their temple. He did not recall whether he jabbed an individual with an asp. Lieutenant Butler did not see anyone strike an arrestee with a baton or punch them. He did not recall whether he told § 87(2)(b) “Get the fuck on the ground” or “Shut

the fuck up.” Lieutenant Butler did not recall whether he put handcuffs on anybody while they were recording the incident with a cell phone. He did not believe that he removed a cell phone from anyone’s hand. Lieutenant Butler did not purposefully or accidentally step on anybody’s eyeglasses during the incident but stated that he could have stepped on anything on the ground that night. Lieutenant Butler did not seize any property.

None of the officers interviewed for this case recognized § 87(2)(b) from his photograph.

Video footage from a nearby building at 731 Wythe Avenue in IA #118, titled “\ch03_20200604205148.mp4,” depicts this incident, but not § 87(2)(b)’s arrest (**09 Board Review**). At 15:38, numerous police officers arrive at the intersection on foot and by car. At 17:12, officers begin to form a line at the end of Penn Street. At 18:01, the group of protestors arrives at the end of Penn Street and halts in front of the officers. More officers come to the intersection and line up. At 22:38, officers start to run toward the crowd. The protestors run away from the officers. At 24:49, officers begin to bring arrested protestors back toward the intersection. At 25:32, officers walking § 87(2)(b) backward to the intersection enter the right side of the frame. The officers’ faces and identifying information is not visible due to the distance at which the event was recorded.

§ 87(2)(b) recorded the video titled, “\VidLeadingToAssaultFrMyPhone.mp4” in IA #16 (**01 Board Review**). The video shows a large group of protestors facing the intersection of Penn Street and Wythe Avenue. The protestors chant and stand still until they start to turn around at 1:13. At 1:35 in the recording, officers start to arrest protestors. Protestors start to run away from the officers. § 87(2)(b) yells, “Whoah! Whoah! Unprovoked! I’m getting out of here!” as an officer says, “Get the fuck down.” § 87(2)(b) yells, “I’m down!” The video does not show officers’ faces or identifying information because the camera’s lens is covered. None of the officers interviewed for this case identified their voices making the statement or recognized it otherwise.

§ 87(2)(b)’s friend found the video titled, “\PostZipTie.mp4” in IA #16 on Twitter and sent it to him (**01 Board Review**). At the beginning of the file, a white bicycle is visible on the ground. At 0:10 in the recording, the video shows two male officers, one officer in a white shirt and one in a blue shirt, escorting § 87(2)(b) away from the scene of the arrest. § 87(2)(b)’s injuries are not visible. § 87(2)(b) shouts his name and says that he was protesting peacefully when officers “beat” and “punched” him. The officers’ faces and identifying information is not visible.

A video from Twitter user § 87(2)(b) in IA #38 also shows protestors facing a line of officers at the intersection (**02 Board Review**). A second video from the same user in IA #39 shows the moment that protestors began to run away from the officers while they arrested people (**03 Board Review**). The video shows officers arresting protestors but does not capture § 87(2)(b)’s arrest.

§ 87(2)(b) provided the investigation with a photograph of his white bicycle (**39 Board Review**). A video from Twitter user § 87(2)(b) in IA #225 was recorded in front of 66 Penn street after § 87(2)(b) was arrested and taken from the location (**08 Board Review**). The video shows officers tending to an injured arrested protestor. At 0:12 in the recording, a white bicycle is visible on the ground. The bicycle is also visible at 0:05 in the recording of a video that was uploaded by the same user, located in IA #223 (**07 Board Review**).

The investigation received BWC footage of officers processing arrests at a stationhouse (**24 Board Review**). The footage was not related to this incident. The NYPD also searched for footage from the incident time period from the 90th Precinct, Strategic Response Group, Critical Response Command, Counterterrorism Bureau, Narcotics Borough Brooklyn North, and City-Wide Traffic and did not locate any relevant videos (**25 Board Review**).

A Threat, Resistance, and Injury (TRI) report was not created for § 87(2)(b) (26 Board Review). Property vouchers were not created for § 87(2)(b) (26 Board Review).

The photograph of officers in IA #226 shows the line of officers at the intersection of Penn Street and Wythe Avenue (27 Board Review). Three officers in white shirts are visible in the center of the photograph: Lieutenant Butler (left), Lieutenant Daverin (center), and Deputy Inspector Skretch (right). Each officer identified himself in his CCRB interview (18, 19, 23 Board Review).

§ 87(2)(b)

§ 87(2)(b) The New York City Department of Investigation's Office of the Inspector General for the NYPD did not note which officers participated in this incident in their report of the NYPD's response to protests (29 Board Review). A UF-49/Unusual Occurrence Report was not created by Patrol Borough Brooklyn North or the 90th Precinct (30, 31 Board Review).

"In partnership with the community, we pledge to ... protect the ... property of our fellow citizens and impartially enforce the law." NYPD Patrol Guide Procedure 200-02 (33 Board Review).

§ 87(2)(g)

The investigation was not able to identify any additional white male officers in white shirts uniforms who responded to Penn Street and Wythe Avenue. Those officers matching the description who were present for this incident denied taking part in § 87(2)(b)'s arrest. In addition, the investigation could not identify any officers who participated in § 87(2)(b)'s arrest due to lack of documentation and the large number of officers present. § 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a subject (**34 Board Review**).
- Deputy Inspector Skretch has been a member of service for 21 years and has been a subject in 12 cases and 19 allegations, one of which was substantiated.
 - 201901603 involved a substantiated allegation of refusal to show a search warrant. The Board recommended command level instructions and the NYPD imposed instructions.
 - § 87(2)(g)
- Lt. Daverin has been a member of service for 13 years and has been a subject in 35 other cases and 105 allegations, of which eight were substantiated.
 - 201502623 involved substantiated allegations of frisk, refusal to provide name/shield, and vehicle search allegations against Lt. Daverin. The Board recommended Command Discipline A for all three allegations, and the NYPD imposed the recommended discipline.
 - 201604699 involved a substantiated allegation of entry/search of premises against Lt. Daverin. The Board recommended Command Discipline B, and the NYPD imposed no penalty.
 - 201911006 involved substantiated allegations of a frisk, two stops and one discourtesy-word against Lt. Daverin. The Board recommended Command Discipline B, and the NYPD is yet to impose any penalty.

§ 87(4-b), § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
 - According to the New York City Office of the Comptroller, as of December 31, 2020, § 87(2)(b) had not filed a Notice of Claim regarding this incident (**35 Board Review**).
 - According to the New York State Office of Court Administration, as of August 19, 2021, § 87(2)(b) has no history of convictions in New York City (**36 Board Review**).
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Squad: 3

Investigator:	<u> Zev Carter </u> Signature	<u>Investigator Zev Carter</u> Print Title & Name	<u> 08/26/2021 </u> Date
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Squad Leader:	<u> Olga Golub </u> Signature	<u> IM Olga Golub </u> Print Title & Name	<u> 12/02/2021 </u> Date
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Reviewer:	<u> </u> Signature	<u> </u> Print Title & Name	<u> </u> Date
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